



CNR: KAHC010382782026

NC: 2026:KHC:42221-DB
WA No. 1536 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO. 1536 OF 2026 (GM-WAKF)

BETWEEN:

1. SRI SHAIK BAHADUR
AGED ABOUT 71 YEARS
S/O LATE SHAIK HYDER
RESIDING AT NO.501
RAHMANJI GUEST HOUSE
MANJUNATH NAGAR, 5TH CROSS
BENGALURU NORTH, KALYANAGAR
BENGALURU - 560 043
2. SRI MUNEER AHMED SHARIFF
AGED ABOUT 61 YEARS
S/O LATE AHMED SHARIEFF
RESIDING AT NO.40/1
COCKBURN ROAD
BENGALURU NORTH
HKP ROAD, SHIVAJINAGAR
BENGALURU - 560 051

...APPELLANTS

(BY SRI SIDDHARTH SUMAN, ADVOCATE)

AND:

1. THE KARNATAKA BOARD OF WAQFS
REPRESENTED BY ITS

Digitally
signed by
SRIDEVI S
Location:
High Court
of Karnataka



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CHIEF EXECUTIVE OFFICER
NO.6, DARUL AUQAF
CUNNINGHAM ROAD
BENGALURU - 560 052

2. THE CHAIRMAN
KARNATAKA STATE BOARD OF AUQAF
NO.6, DARUL AUQAF
CUNNINGHAM ROAD
BENGALURU - 560 052
3. MUSLIM ORPHANAGE
REPRESENTED BY ITS SECRETARY
(TENURE OF MANAGING
COMMITTEE IS EXPIRED ON 26.02.2026)
No.43, DICKENSON ROAD
BENGALURU - 560 042

...RESPONDENTS

(BY SRI NAVEED AHMED KHAN, ADVOCATE FOR C/R-3)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 25.04.2026 PASSED BY THIS HON'BLE COURT IN W.P. No.9080/2026 AND TO ALLOW THE WRIT PETITION FILED BY THE APPELLANTS AS PRAYED FOR AND GRANT SUCH OTHER RELIEF(S) AS THIS HON'BLE COURT DEEMS FIT AND EXPEDIENT IN THE CIRCUMSTANCES OF THE CASE.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellants have filed the present appeal impugning an order dated 25.04.2026 passed by the learned Single Judge of this



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Court in WP.No.9080/2026 (GM-WAKF), whereby the petition was dismissed with costs quantified at ₹2,00,000/-.

2. The appellants filed the said petition, claiming to be members of respondent No.3, a Muslim Orphanage notified by respondent No. 1/Waqf Board. They had filed the said petition, praying that a Caretaker or an Administrator be appointed to look after the affairs of respondent No.3 till a regular Managing Committee is constituted.

3. It is the appellants' case that the tenure of the Managing Committee expired on 26.02.2026 and that elections to the Managing Committee had not been held before that date. The Election Officer/Returning Officer had, in fact, issued a calendar of events on 22.01.2026, fixing polling for 15.02.2026. The calendar was also published in a daily newspaper. Thereafter, on 03.02.2026, a final list of 53 candidates was published, and symbols were allotted. According to the petitioners, the Election Officer subsequently made illegal changes to the serial numbers of the syndicate candidates without notice.



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4. In view of the above, the appellants as well as other members filed a writ petition, being WP.No.4833/2026 (GM-WAKF), challenging the arrangement of serial numbers. The said petition was heard on 13.02.2026, and the learned Single Judge directed the elections to proceed as per the list dated 03.02.2026. However, the elections were postponed and were finally conducted on 26.04.2026. The reason for the delay was that the Election Officer postponed the elections, which were to be held on 15.02.2026, to 26.04.2026 on account of the festivities of Ramzan. In the interregnum, the appellants had approached the court by filing WP.No.9080/2026. However, the Election Officer had thereafter on 07.04.2026 issued a fresh notification. At the instance of the appellants, the learned Single Judge stayed those elections by an order dated 22.04.2026. However, the same was vacated by the impugned order.

5. Undisputedly, the elections have now been conducted. If the petitioners have any grievance with regard to the same, the petitioners are not precluded from filing an appropriate petition. However, we are unable to accept that any relief can be granted in this appeal.



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6. Insofar as the cost of ₹2,00,000/- is concerned, the same was imposed as the petitioners had not clearly disclosed the earlier proceedings in the petition. However, the learned counsel submits that the stay orders passed clearly reflect that the factum of the earlier proceedings was brought to the notice of the court.

7. The learned counsel appearing for the respondents also does not object to the modification of the impugned order to delete the cost as imposed.

8. In view of the above, the present appeal is partly allowed by setting aside the imposition of cost of ₹2,00,000/- and clarifying that the appellants are not precluded from assailing the election in accordance with law. All rights and contentions of the parties in this regard are reserved.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**